

United States District Court For The Northern
District of Texas

2019 DEC 13 PM 1:06
DEPUTY CLERK PJ

Clifton, Darrell Perry # 02101830 4-19CV1028-A
Plaintiff CASE number

V.

GARY CURRIE, LORIE PARKER, PATSY JOHNSON
SHARON PETERS, CAPTAIN DECOLA, KAYLA RIGBY
BRUCE RASCO, ROXANNA CHARLISLE
CHARLES WELMOTH AND SERENA INCE
© 4000 North 10th Street
Bridgeport, Tx 76426
defendants

I. Jurisdiction & Venue

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation under color of State law, of rights secured by the constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 2201 and 2202.
2. The Northern District of Texas is an appropriate venue under 28 U.S.C. section 1391(b)(2) because it is where the events giving rise to this claim occurred.

United States District Court For The Northern District of Texas

Clifton Darrell Perry # 02101830
Plaintiff

_____ case number

V.

Gary Currie, Lorie Parker, Patsy Johnson
Sharon Peters, Captain Decola, Kayla Rigby
Bruce Rasco, Roxanna Charliste
Charles Welmoth and Serena Ince
@ 4000 North 10th Street
Bridgeport, Tx 76426
defendants

continued...

II Plaintiff

3. Plaintiff Clifton Darrell Perry # 02101830 is and was at all times mentioned herein a prisoner of the Texas Department of Criminal Justice in custody of the private contractor M.T.C. (Management training career) in Bridgeport, Texas and is currently confined in T.D.C.J. Billy Moore Unit under private contractor M.T.C. in Overton, Texas

III Defendants

4. Defendant Gary Currie is the Warden of Bridgeport Correctional Center in Bridgeport, Texas. He is legally responsible for the operations of Bridgeport Correctional Center and for the welfare of all of the offenders housed in that facility at 4000 North 10th Street Bridgeport, Tx 76426

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Charles Welmoth and Serena Ince
@ 4000 North 10th Street
Bridgeport, Tx 76426
defendants

III Defendants continued...

5. Defendant Captain Decola was the Captain of Bridgeport Correctional Center and his duty was to run disciplinary hearings and follow the Majors orders. Only Address Able to obtain At Stevenson's Unit Law Library is 4000 North 10th Street, Bridgeport, Tx. 76426
6. Defendant Patsy Johnson is the Chief of Classifications and makes final decisions on offenders housing, And job At the Bridgeport Correctional Center.
7. Defendant Sharon Peters is part of Classification - courtroom that houses offenders and informs offenders of disciplinary hearings at the Bridgeport Correctional Center.

United States District Court For The Northern
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Clifton Darrell Perry *02101830

Plaintiff

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Bruce Rasco, Roxanna Charlisle,
Charles Welmoth, Serena Ince
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Bridgeport, Tx 76426
defendants

III Defendants continued...

8. Defendant Kala Rigby was classification clerk and records at Bridgeport Correctional Center
9. Defendant Charles Welmoth was a Lieutenant at Bridgeport Correctional Center and his duty is to oversee the Correctional Officers and Operations of the prison.
10. Defendant Lorie Parker is the Texas Department of Criminal Justice Advisor that oversees the unit and makes sure it is running by T.D.C.J. Policy,
11. Defendant Roxanna Charlisle was a sergeant and is now Lieutenant at Bridgeport Correctional Center. Her duties are operation and safety of offenders.

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defendants

III. Defendants continued...

12. Defendant Bruce Rasco is a Correctional Officer at Bridgeport Correctional Center and his duties are Safety and Welfare of offenders as well as to inventory offender property.
13. Defendant Serena Ince was the grievance coordinator and her duties are to investigate grievanced issues At Bridgeport Correctional Center.
14. Each defendant mentioned herein and above is sued individually, Jointly, severely, and in his/her official Capacity at All times mentioned in this Complaint each defendant Acted under the color of State law.

United States District Court For The Northern
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Cliffon Darrell Perry # 02101830

Plaintiff

Case number

V.

GARY CURRIE, LORIE PARKER, PATSY JOHNSON,
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BRUCE RASCO, ROXANNA CHARLISLE,
CHARLES WELMOTH and SEREA INCE
@ 4000 North 10th Street
Bridgeport, Tx 76426
defendants

IV. Facts

15. On July 15, 2018 I spoke with Lt. Charles Welmoth and informed him that my cell-mate Mr. Alaniz was acting funny and throwing things around in the cell, and that I felt threatened and feared for my safety. Lt. Welmoth told me that he could only do so much, that I should send Mrs. Peters an I-60 (Request to Officials)

16. On July 20, 2018 I sent Mrs Sharon Peters/classifications an I-60 asking them to separate Mr. Alaniz and myself because Mr. Alaniz was acting funny, cussing me and throwing things around in the cell (B-202)
(... Exhibit A: ~~Copy of I-60~~)

United States District Court For The Northern
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~~Cliffon~~ Darrell Perry # 02101830
Plaintiff

case number

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Sharon Peters, Captain Decola, Kala Rigby,
Bruce Rasco, Roxanna Charliste,
Charles Welmeth, and Serena Ince
@ 4000 North 10th Street
Bridgeport, Tx 76426
defendants

IV Facts continued...

17. On August 3 2018 Around 2:45 pm Mr. Alaniz my cell-mate came into the cell (B-202) behind me AS I was making A cup of coffee and hit me with a fan in the neck, back, side of my shoulder and face in which I recieved several injuries. List of injuries are in medical records. Exhibit B

18. As Mr. Alaniz swung again I swung with my right hand, while holding the hot-pot still from making my cup of coffee, to block Mr. Alaniz from hitting me again and in doing so I struck Mr. Alaniz and busted his head open as the fan hit my face and neck which did cut my mouth and nose.

United States District Court For The Northern
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Clifton Darrell Perry # 02101830
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Bridgeport, Tx 76426
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IV Facts continued...

19. On August 7, 2018 chief of classifications Mrs. Patsy Johnson used prejudice when she came to the Seg. Area in T-Pod and told Alaniz that she was going to G-5 me off the unit and Allow him (Mr Alaniz) to remain G-2 status and submit him for his S-2 trustee status. There was no hearing or anything when she did this,

20. On August 8, 2018 at 6:00 AM Lt. Wingrette came and asked me what happened. I told him about Alaniz attacking me with a fan and how I reacted out of self-defense. Lt. Wingrette talked to Captain Decola and they both agreed to throw the report away. Exhibit C

United States District Court
for the Northern District of Texas

¹⁰⁰⁵
CLIFTON DARRELL PERRY #2101830

Plaintiff

Case number

V

Gary Currie, Lorie Parker, Patsy Johnson,
Sharon Peters, Capt. Decola, Kala Rigby
Bruce Rasco, Roxanna Charliste, Charles Welmuth,
and Serena Ince

4000 North 14th Street
Bridgeport, Texas 76426

Defendants

IV Facts Continued...

- 21) On Aug. 8, 2018 at 3:30 p.m. Sat. Charliste came to my cell T-265 and asked what happened and got my statement again. She stated that the report magically disappeared.
- 22) On Aug. 9, 2018 Cains substitute Bonnie M. Milligan came and told me I was being charged with fighting Adrain Alaniz with a weapon, namely a hotpot filled with hot water.
- 23) On Aug. 9, 2018 at 3:45 p.m. property officer Bruce Rasco came to my cell T-265 and handcuffed me and escorted me to Major Shaw's office where Major Shaw and Bonnie Milligan was seated. I plead self-defense and Major Shaw gave me 15-15-15 restriction Telephone, Commissary rec
- 24) On Aug. 13, 2018 Sgt. Hannie and Sgt. Charliste escorted me to Major Shaw's office where Ept. Decola property officer Rasco and Chief Classification Patsy Johnson was. As I enter the room Patsy Johnson told them this is the one.

Clifford Darrill PERRY TDC# 02101830

Plaintiff

Case Number

Gary Currie Lorie Parker Patsy Johnson
Sharon Peters Capt. Decola Kala Rigby
Bruce Rasco Roxanna Charlsie Charles Walmoth
and Serena Ince

4000 North 10th Street
Bridgeport, Texas 76426

Defendant

IV Facts Continued...

- 25) Capt. Decola asked me if I was charged with a major case. I said out of self defense of being attacked by Alaniz. Capt. Decola said he was G-5ing me. The property officer Bruce Rasco said well I am G-5ing him. Patsy Johnson said I will be off the unit in 30 days.
- 26) Adrain Alaniz went to UCC right after me and they put him back in population the same day just like Patsy told him she was going to do.
- 27) Plaintiff Perry used a prisoner's grievance procedure available at Bridgeport Correctional Center to try and solve the problem. On August 14, 2019 Plaintiff Perry presented the facts relating to this complaint. On September 6, 2018 my grievance was signed by the Warden Gary Currie that the offense was propagand to the evidence and severity of the offense. No further action warranted.
- 28) On September 10, 2018 my Step 1 and Step 2 and all documents were sent to Huntsville and I left Bridgeport Correctional Center and came to Stevenson Unit which I was G-4rd until my case was overturned November 2nd and I was put back in population with my S-3 trustee status.

Clifton Aaron PERRY TDCJ# 02101830

Plaintiff

Case Number

Gary Currie, Larie Parker, Patsy Johnson
Sharon Peters, Capt. Decola, Kala Rigby
Bruce Rasco, Roxanne Charliste, Charles Welmuth,
and Serena Ince.

4000 North 15th Street
Bridgeport Texas 76426

Defendant

IV Facts Continued...

29) I also turned in a step 1 on 09-09-2018 about my rights being violated and it never got signed nor returned. I sent in a Step 2 and the copy and never got the copy or anything back.

V Legal Claims

30) Defendants Peters, Johnson, Rigby, LT. Welmuth, and Warden Currie was prejudice, negligence which were cruel and unusual punishment with evil intent they failed to protect me from being attacked by another prisoner, which is a breach of duty which plaintiff Perry received physical injuries and violated Plaintiff Perry rights under the 14th amendments to the United State Constitution which was cruel and unusual punishment causing Plaintiff Perry pain suffering physical injury emotional distress and to be irreparable stigmatized and to lose wife and contact of family.

31) Defendants Warden Currie Parker Johnson LT. Welmuth Sgt. Charliste Rasco and Capt. Decola used prejudice deliberate indifference cruel and unusual punishment and breach of duty with evil intent by G-5ing Plaintiff Perry and putting offender Alaniz back in population when plaintiff Perry

United States District Court
of the Northern District of Texas

CLAYTON DARRELL PERRY DOJ # 02101830

Plaintiff

Case number

Gary Currie, Larie Parker, Pasty Johnson
Sharon Peters, Capt. Decola, Kala Richby
Bruce Rasco, Roxanna Charlsie, Charles Walmoth
and Serena Ince

4040 North 15th Street
Bridgeport Texas 76426

Defendant

V Legal Claims Continue...

- 31) Was only acting out in self defense from offender Alaniz attacking him with a fan, the 8th Amendment of the Constitution and Causing Plaintiff Perry pain, Suffering, emotional distress, physical injuries and to be irreparable Stigmatized.
- 32) Defendant Currie, Parker, and Ince ^{did} not properly investigate the incident and grievances and allowing Defendant Richby and Peters to temper and sign off on the grievances and not follow policy Defendants Currie Parker and Ince is violating plaintiff Perry eight Amendment to the United States and has Cause and is causing plaintiff Perry pain and Suffering to be irreparable Stigmatized and emotional distress.
- 33) By allowing Defendant Johnson, Peters, Richby, Rasco, Charlsie Walmoth, Ince and Decola's misconduct deliberate indifference and cruel and unusual punishment Defendant Currie and Parker is also violating plaintiff Perry rights under the Eight Amendment to the United State Constitution and Causing Plaintiff Perry Pain Suffering and to be Irreparable Stigmatized
- 34) By tampering with the grevences and not allowing them to go through Causing Plaintiff Perry to stay Seeged and Shipped off the unit to be G-5ed and losing family is violation to Plaintiff Perry's rights Under the First and Eight Amendment to the

Clifford Darrill PERRY TOW#02101830

Plaintiff

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V

Gary Currie, Lorie Parker, Pasty Johnson
Sharon Peters, Capt. Decola, Kala Rigby
Bruce Raseo, Roxanna Charlisle, Charles Walmoth,
and Serena Ince

4040 North 10th Street
Bridgeport, Texas 76426

Defendant

IV Legal Claim Continue...

34) United Constitution. These illegal actions are causing Plaintiff Perry injury to his First and 8th Amendment rights.

35) Plaintiff Perry has no plain adequate or complete remedy at law to confess the wrongs describe here in. Plaintiff Perry has been and will continue to be irreparably injured by the conduct ~~of~~ of the Defendants unless this court grants the declaratory, compensatory, and punitive damage relief Plaintiff Perry seeks.

Mr. DARRELL PERRY TDCJ #02101830

Plaintiff

Case number

Gary Currie, Larie Parker, Pasty Johnson,
Sharon Peters, Capt. Decola, Kala Rigby
Bruce Rasco, Roxanna Charlsie, Walmoth
and Serena Ince

4000 North 13th Street
Bridgeport, Texas 76426

Defendant

VI Prayer For Relief

Wherefore Plaintiff Perry respectfully pray that this
Court enter Judgement:

- 36.) Granting Plaintiff Perry a declaration that the acts and omissions describe herein violate his rights under the Constitution and laws of the United State and
- 37.) Granting Plaintiff Perry Compensatory damages in the amount of \$50,000.00 against each Defendant
- 38.) Plaintiff Perry also seeks punitive damages in the amount of \$50,000.00 against each Defendant
- 39.) Plaintiff Perry seeks a jury trial on all issues in a timely manner triable Jury.
- 40.) Plaintiff Perry also seeks recovery of cost in this suit paid and still ^{owed}
- 41.) And any additional relief this Court deems just proper and equitable.

Respectfully Submitted,
Mr. Clifton Darrell Perry
TDCJ #02101830
Billy Moore Unit
8500 N.F.M. 3053
Overton, Texas. 75684

United States District Court
of the Northern District of Texas

Clifton DARRELL PERRY DOJ# 02101830
Plaintiff

Case number

Gary Currie, Lorie Parker, Pasty Johnson,
Sharon Peters, Capt. Decola, Kala Rigby,
Bruce Rasco, Roxanna Charlistic, Charles Walmathy,
and Serena Ince

4020 North 15th Street
Bridgeport, Texas 76426

Defendant

Verification

I have read the foregoing Complaint and hereby verify that the matters alleged therein are true except as to matters alleged on information and belief and as to those I believe them to be true. I Certify under penalty of perjury that the foregoing is true and correct.

Executed at Overton Texas

Clifton Darrell Perry DOJ# 02101830
Clifton Darrell Perry

November 26th 2019

C. Has any court ever warned or notified you that sanctions could be imposed? YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date warning was issued: N/A

Executed on: 11-25-2019
DATE

Clifton Darrell PERRY #2/01830
Clifton Darrell PERRY #2/01830
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 25th day of November, 2019.
(Day) (month) (year)

Clifton Darrell PERRY #2/01830
Clifton Darrell PERRY #2/01830
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Texas Department of Criminal Justice



STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2018181053
 Date Received: AUG 10 2018
 Date Due: 09-13-2018
 Grievance Code: 411
 Investigator ID #: I-2143
 Extension Date: _____
 Date Retd to Offender: SEP 07 2018

Offender Name: Clifton Darrell Perry DDCJ # 2101830Unit: Bridgport Housing Assignment: T-265Unit where incident occurred: Bridgport Correctional Center
Case # 20180320919 AUG 10 2018

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Sgt. Hannie - Sgt. Carke When? 08-13-2018What was their response? Write a Step 1What action was taken? None AUG 10 2018

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

I Clifton Darrell Perry # 2101830 I WAS charged with a major case on 08-09-2018 for fighting Adrian Alaniz # 1956777 with a hot pot filled with water that resulted Adrian Alaniz to receive stitches in his head. I was acting out of self-defense. Adrian Alaniz hit me with my fan while I was making a cup of coffee and out of reaction I swung and hit Adrian with my hot pot. I only hit Adrian with my hot pot out of self-defense of him hitting me with the fan and attacking me. He lied and said he was sitting on his bed and the statement gave proof he attacked me from behind. I understand I have to be punished but I am appealing getting G-5. I don't understand why I am getting G-5 for self-defense when Adrian Alaniz # 1956777 started the fight by hitting me with my fan and attacking me with the pictures and statement proving the fact and Adrian Alaniz left his G-2 status. AUG 10 2018



STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: _____
Date Received: _____
Date Due: _____
Grievance Code: _____
Investigator ID #: _____
Extension Date: _____
Date Retd to Offender: _____

Offender Name: Clinton Perry TDCJ # 2101830
Unit: Bridgport Correctional Center Housing Assignment: T-265
Unit where incident occurred: Bridgport Correctional Center

AUG 27 2018

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Sgt. Hannie, Sgt. Carlie When? 08-19-2018
What was their response? appeal it with a step
What action was taken? None yet

AUG 27 2018

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

Section II, B. Time limits states that Case # 20180320919
Whenever possible, the hearing shall be held within
72 hours of the offender's placement in pre-hearing detention.
If the offender is not given a hearing within 72 hours,
the reason for the delay shall be included in the
Record of the hearing.
I was placed in pre hearing detention on
August 3, 2018 at around 3:30 pm. my hearing was
not conducted until Thursday August 09, 2018 at 4:40 pm and
the delay of the hearing not being held within 72 hours
of me being placed in pre-hearing detention was not in
the Record of the hearing.

Also, Lt. Wingerter came and got my statement
on 08-07-2018 and when I told him what happened,
Lt. Wingerter went and talked to the Captain and the
Captain told Lt. Wingerter to throw the case away.
well around 4 pm, Sgt. Carlie came and asked me
what happened again and turned another case in after
the Captain had already had my case thrown out.
and Mrs. Peters did not respond to the I-60 sent on July 30
2018. Mrs. Peters intentionally left my life at risk with
again Alaniz.

AUG 27 2018

Texas Department of Criminal Justice
INSTRUCTIONS ON HOW TO WRITE AND SUBMIT GRIEVANCES

1. *Grievance forms are available from the law library, housing area, shift supervisors, or by contacting the unit grievance office. After completely filling out the form, place it in the grievance box yourself or hand it directly to the grievance investigator on your unit. Step 2 appeals must be accompanied by the original, answered Step 1.*
2. An attempt to informally resolve your problem must be made before filing a grievance. *Informal resolution* is defined as any attempt to solve the issue at hand and must be noted on the Step 1 grievance form (I-127). You have 15 days from the date of the alleged incident or occurrence of the issue presented in which to complete the Step 1 grievance form and forward it to the unit grievance investigator (UGI). The Step 1 process may take up to 40 days from the date the unit grievance office receives the Step 1 form to respond. ~~Disciplinary appeals are required to be completed within 40 days.~~ If you are not satisfied with the Step 1 response, you may appeal the Step 1 decision by filing a Step 2 (I-128). You have 15 days from the date returned to offender on the Step 1 to submit the Step 2 to the grievance investigator on the unit. The Step 2 process may take up to 40 days to provide you a written response or 45 days for medical grievances. *Present only one issue per grievance.*
3. *Additional time may be required in order to conduct an investigation at either Step 1 or Step 2 and in either case; you will be notified of the extension in writing.*
4. *Complete your grievance using a typewriter or dark ink. If you need assistance filing a grievance or understanding a response, contact your unit grievance investigator.*
5. *The following issues are grievable through the Offender Grievance Procedure. Remember that you may only file a grievance on issues that PERSONALLY APPLY TO YOU unless you are reporting a sexual assault, sexual abuse, or sexual contact on behalf of another offender.*
 - * The interpretation or application of TDCJ policies, rules, regulations, and procedures.
 - * The actions of an employee or another offender, including denial of access to the grievance procedure.
 - * Any reprisal against you for the good faith use of the grievance procedure or Access to Courts;
 - * The loss or damage of authorized offender property possessed by persons in the physical custody of the Agency, for which the Agency or its employees, through negligence, are the proximate cause of any damage or loss.
 - * Matters relating to conditions of care or supervision within the authority of the TDCJ, for which a remedy is available.
6. *You may not grieve:*
 - * State or federal court decisions, laws and/or regulations;
 - * Parole decisions;
 - * Time-served credit disputes which should be directed to the Classification and Records, Time Section;
 - * Matters for which other appeal mechanisms exist;
 - * Any matter beyond the control of the agency to correct.
7. *Established criteria that may be applied to regular grievances, to ensure that the offender has used the grievance program responsibly; however, most grievances may be corrected and resubmitted within 15 days from the signature date on the returned grievance.*
 - * Grievable time period has expired. (Step 1 grievances must be submitted within 15 days from the date of incident and Step 2 Appeals must be submitted within 15 days from the date returned to offender on the Step 1.)
 - * Submission in excess of 1 every 7 days. (All grievances received in the grievance office will be reviewed; however, only one grievance will be processed every Seven days [with the exception of disciplinary appeals, medical grievances, and emergency grievances].)
 - * Originals not submitted. (Carbon copies are not considered originals even if they have an original signature. The original answered Step 1 must be submitted with a Step 2 Appeal.)
 - * Inappropriate/excessive attachments. (Your grievance must be stated on one form and in the space provided. Attach only official documents that support your claim, such as I-60's, sick call requests, property papers, and other similar items)
 - * No documented attempt at informal resolution. (You are required to attempt to resolve issues with a staff member prior to filing a grievance. Remember, the attempt must be documented in the space provided on the I-127 form.)
 - * No requested relief is stated. (The specific action required to resolve the complaint must be clearly stated in the space provided.)
 - * Malicious use of vulgar, indecent, or physically threatening language directed at an individual.
 - * The issue presented is not grievable. (Refer to #6 above.) **Disciplinary appeals will not be processed until after the disciplinary hearing.**
 - * Redundant. (You may not repeatedly grieve matters already addressed in a previous grievance)
 - * The text is illegible/incomprehensible. (Write your grievance so that it can be read and understood by anyone.)
 - * Inappropriate. (You may not ask for monetary damages or any form of disciplinary action against staff.)

Do not use a grievance form to comment on the effectiveness and credibility of the grievance procedure; instead, submit a letter or I-60 to the administrator of the Offender Grievance Program.

Offender Grievance Operations Manual
Appendix B
Revised July 2016

You can only issue one grievance per disciplinary, and you submitted a grievance on 08-14-18. Please allow for the grievance process to be completed, as we have 30 days.

B-205T

Step 1	<input type="checkbox"/>	Grievance #	Offender Name	TDCJ#	Unit
Step 2	<input checked="" type="checkbox"/>	2018181053	Perry, Clifton	2101830	SB

(Check which box applies (Step 1 or Step 2))



Texas Department of Criminal Justice
Offender Grievance Office

NOTICE OF EXTENSION

In accordance with the procedures outlined in BP-03.77, "Offender Grievances," and AD-03.82, "Management of Offender Grievances," you are hereby notified that additional time is necessary to complete the investigation of your:

Step 1 Grievance: (check the applicable box)

- ☐ An additional 30 days is needed for appropriate response to your disciplinary appeal.
- ☐ An additional 40 days is needed for appropriate response to your grievance.

Step 2 Grievance: (check the applicable box)

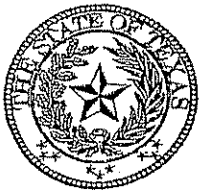
- ☒ An additional 30 days is needed for appropriate response to your disciplinary appeal.
- ☐ An additional 40 days is needed for appropriate response to your Step 2 grievance.
- ☐ An additional 45 days is needed for appropriate response to your medical Step 2 grievance.

P. C. Clifton
Name

10/03/2018
Date

Original – Send front page only to the Offender.
Copy – Attach front and back to the Grievance.

NOV 15 2018



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2018181053

UGI Recd Date: 9-10-18

HQ Recd Date: SEP 14 2018

Date Due: 10/10/2018

Grievance Code: 411

Investigator ID #: T2589

Extension Date: 11-9-18

Date Ret'd to Offender:

(SB)

Offender Name: Clifford PERRY

TDCJ# 2101830

Unit: Bridgeport Correctional Housing Assignment: F-2

Unit where incident occurred: Bridgeport Correctional Center

Case# 20180320979 Grievance# 053

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be specific). I am dissatisfied with the response at Step 1 because...

I was attacked by Adrian Alaniz #1956777 and hit by a fan which caused me to react out of self defense. I talked to Major Shaw and he was even upset that I got G-5. I've been in and out of prison since 1998 and never even had a fighting case, so no past disciplinary history and reaction of being attacked, I should not have been G-5 or Adrian Alaniz should have been G-5 also. Adrian used a weapon namely my fan to attack me, which there was pictures taken of the scratches from the fan. Major Shaw told me he was gonna call Huntsville because he did not think I needed to be G-5 because he did not think I was unmanageable and he did not know why they G-5 me not having any disciplinary history. I've included the statement as to what happened and another Grievance I turned in and got back due to a lack of having turned one in. I am also dissatisfied with the record of the hearing because I was put in the hearing detention 08-03-2018 and did not have a hearing with...

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

SEP 14 2018

U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

Instructions to a Prisoner *Pro Se* Plaintiff

Your suit _____ was filed on _____ and has been assigned case number _____.

These instructions do not include everything you need to know to pursue your case, but following them may help you avoid common mistakes that can result in delay or other consequences—including dismissal of your case.

1. **Filing Procedures** - The Local Civil Rules include the following requirements:

- You must submit a judge's copy (a paper copy) of any document you file. If you want a file-stamped copy returned to you, submit the original, the judge's copy, and an extra copy to be returned to you, and provide a self-addressed, postage-paid envelope. The clerk cannot make an extra copy for you unless you first pay a fee of 50 cents per page.
- You must type or legibly handwrite your documents on one side of numbered pages. Any exhibit or discovery material attached to the filing must be referred to in the filing. Any exhibit or discovery material not referred to in your filing or not attached to your filing may be returned to you.

2. **Address Change** - You must notify the Court if your address changes, or your case may be dismissed. Promptly file a written change of address notice in your case.

3. **Rules to Follow** - You must read and follow the Court's Local Civil Rules and the Federal Rules of Civil Procedure. Because the presiding judge is authorized to change how certain rules apply, you must read and follow the judge's orders in your case.

4. **Request for Attorney** - In a civil case, you generally are not entitled to a court-appointed attorney to represent you without cost to you. If you request a court-appointed attorney, a judge will decide whether to appoint an attorney depending on the circumstances of the case. Even if the court decides to appoint an attorney, the attorney cannot be forced to accept the appointment. You may call the Lawyer Referral Service of the State Bar of Texas at (800) 252-9690 for assistance in securing the services of a private attorney to represent you for a fee.

5. **Initial Case Review** - If the Court grants leave to proceed *in forma pauperis*, service of process will be withheld pending review of your complaint, and your complaint may be dismissed pursuant to 28 U.S.C. § 1915(e)(2).

6. **Copies to Defendant** - After a defendant has been served your complaint, you must serve a copy of any other document you file upon the defendant's attorney (or upon the defendant, if the defendant is *pro se*). You must serve the opposing side by mail or another manner authorized by FED. R. CIV. P. 5 (b)(2). All documents must contain a Certificate of Service reflecting that you served the opposing side. This is an example of language you may use:

- I hereby certify that on (Date), I forwarded a copy of the foregoing document to _____, the attorney for (Defendant) at the address of _____.

_____/Signature/

7. **Discovery Materials** - Do not file discovery materials with the clerk. If you file a motion to compel discovery, you may attach only the portions of discovery that are relevant to your motion.

8. **Questions About Your Case** - Do not write letters to the judge asking questions about your case - all communication with the judge should be through filings. Do not write letters to the clerk asking for instructions on how to handle your case, since the clerk is prohibited from giving legal advice.

original copy
 The Judge's Copy
 My copy to be file-stamped with postage paid envelope.
 Application To Proceed in forma pauperis
 Certificate of inmate Trust Account
 A current 6 month history of my inmate Trust Account
 motion for the appointment of Counsel

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Clifton Darrell Perry ^{TOCJ# 02/01/80}
Plaintiff

Gary Currie, Lorie Parker, Patsy Johnson
Sharon Peters, Kayla Rigby, Bruce Rasco
Roxanna Charleske, Charles Welmoth
Defendant
Selena Ince, and Captain DeCola.

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Gary Currie, Lorie Parker, Patsy Johnson, Sharon Peters,
Kayla Rigby, Bruce Rasco, Roxanna Charleske, Charles Welmoth,
Selena Ince and Captain DeCola
4000 North 10th Street Bridgeport, Texas 76426
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Clifton Darrell PERRY #02/01/80
B:117 Moore unit
8500 North fm 3053
Overton, Texas 75684

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

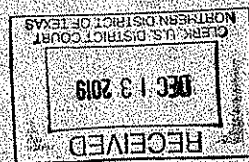
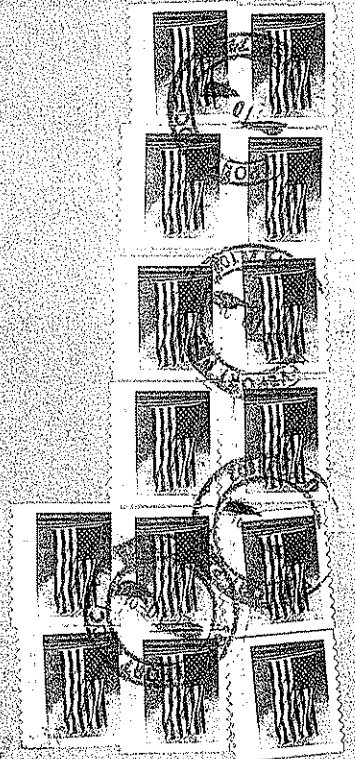
Server's address

Additional information regarding attempted service, etc:

C. L. FAN DARELL PERRY #02101830
Bill's move unit
8500 N. Fm 3053
Overton, Texas 75684

1/29/20

US District Court
Office of the Clerk
501 W. 7th St. Rm 310
Fort Worth, Texas 76102



11:25

PRIVILEGED OFFENDER
MAIL NOT INSPECTED
BY TDCI-CID